ates of America vs. United States District Court for the Eastern District of Penna.

ANTHONY CHARLES ROSSANO, a/k/a Chas

DOCKET NO. Crim. 80-00213-2

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date Louis R. Pichini

MONTH	DAY	YEAR
June	17th.	1981

( ) WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

(X) WITH COUNSEL Carmen C. Nasuti
(Name of counsel)

( ) GUILTY, and the court being satisfied that there is a factual basis for the plea, ( ) NOLO CONTENDERE, (X) NOT GUILTY

There being a finding/verdict of ( ) NOT GUILTY. Defendant is discharged (X) GUILTY.

Defendant has been convicted as charged of the offense(s) of Racketeer Influenced and Corrupt Organizations; Prohibition of Illegal Gambling Businesses; Conspiracy; Aiding and Abetting, in violation of Title 18, U. S. C. Secs. 1962(c), 1955, 371, 2

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of TWO (2) YEARS on Count 1, and pay a fine in the sum of $10,000.00 to the United States of America. The defendant shall stand committed until the fine is paid or until the defendant is otherwise discharged by law.

Count 2 - Imposition of prison sentence is suspended, and the defendant is placed on probation for a period of ONE (1) MONTH to run concurrent with the prison sentence imposed on Count 1.

Count 3 - The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of TWO (2) YEARS to run concurrently with the prison sentence imposed on Count 1.

(The defendant is continued on the same bail pending appeal - execution of the sentence is stayed pending appeal)

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

District Judge / Magistrate

JOSEPH S. LORD, III

Date JUNE 17th, 1981

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-2115

UNITED STATES OF AMERICA

v.

ANTHONY CHARLES ROSSANO, a/k/a Chas,

Appellant

(D.C. Criminal No. 80-00213-02)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Submitted Under Third Circuit Rule 12(6)
May 13, 1982
Before: GIBBONS and HUNTER, *Circuit Judges*
and GERRY, *District Judge**

CARMEN C. NASUTI, ESQ.
NASUTI and MILLER
1325 Spruce Street
Philadelphia, PA 19107

Attorneys for Appellant

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*Hon. John F. Gerry, United States District Judge for the District of New Jersey, sitting by designation.

PETER F. VAIRA, JR.
United States Attorney
Eastern District of Pennsylvania

LOUIS R. PICHINI
Special Attorney
Department of Justice
Philadelphia, PA 19106

KATHLEEN A. FELTON
Attorney
Department of Justice
Washington, D.C. 20530

Attorneys for Appellee

JUDGMENT ORDER

Anthony Charles Rossano appeals from a judgment of sentence following his conviction of violating 18 U.S.C. §§1962(c), 1955 and 371. He contends:

(1) that the court erred in refusing to strike for cause venireman David Anthony;

(2) that the government failed to prove the existence of the enterprise or a pattern of racketeering;

(3) that the government failed to prove an effect on interstate commerce from the activities of the enterprise charged in the indictment;

(4) that the government failed to prove a predicate state offense to sustain a §1955 conviction in that 18 Pa. Cons. Stat. Ann. §5513 (Purdon 1973), does not give fair warning that it proscribes maintaining a gambling house for card playing;

(5) that the government failed to prove

(A) participation of five or more persons conducting an illegal gambling business,

(B) substantially continuous operation of the gambling operation for 30 days or a gross in a single day of over $2000, as required by §1955;

(6) that if the proof was insufficient under §1955 it is also insufficient to establish a conspiracy under 18 U.S.C. §371 to violate that section.

We find no merit in these contentions.

It is O R D E R E D and A D J U D G E D that the judgment of the district court is affirmed.

BY THE COURT,

Circuit Judge

Attest:

Sally Mrvos, *Clerk*

Dated: May 14, 1982

APPENDIX C

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 81-2115

UNITED STATES OF AMERICA

v.

ANTHONY CHARLES ROSSANO, a/k/a Chas,
Appellant

(D.C. Criminal No. 80-00213-02)

SUR PETITION FOR REHEARING

Present: SEITZ, Chief Judge, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER and BECKER, *Circuit Judges*

The petition for rehearing filed by

Appellant

in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

BY THE COURT,

_____

Judge

Dated: June 15, 1982